

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, TYLER MAGILL, APRIL  
MUNIZ, HANNAH PEARCE, MARCUS  
MARTIN, NATALIE ROMERO, CHELSEA  
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,  
CHRISTOPHER CANTWELL, JAMES  
ALEX FIELDS, JR., VANGUARD  
AMERICA, ANDREW ANGLIN,  
MOONBASE HOLDINGS, LLC, ROBERT  
“AZZMADOR” RAY, NATHAN DAMIGO,  
ELLIOT KLINE a/k/a/ ELI MOSLEY,  
IDENTITY EVROPA, MATTHEW  
HEIMBACH, MATTHEW PARROTT a/k/a  
DAVID MATTHEW PARROTT,  
TRADITIONALIST WORKER PARTY,  
MICHAEL HILL, MICHAEL TUBBS,  
LEAGUE OF THE SOUTH, JEFF SCHOEP,  
NATIONAL SOCIALIST MOVEMENT,  
NATIONALIST FRONT, AUGUSTUS SOL  
INVICTUS, FRATERNAL ORDER OF THE  
ALT-KNIGHTS, MICHAEL “ENoch”  
PEINOVICH, LOYAL WHITE KNIGHTS OF  
THE KU KLUX KLAN, and EAST COAST  
KNIGHTS OF THE KU KLUX KLAN a/k/a  
EAST COAST KNIGHTS OF THE TRUE  
INVISIBLE EMPIRE,

Defendants.

**Civil Action No. 3:17-cv-00072-NKM**

**JURY TRIAL DEMANDED**

**CONSENT MOTION FOR A MODIFIED BRIEFING SCHEDULE**

1. This Consent Motion is filed on behalf of all Plaintiffs and the following Defendants: Christopher Cantwell, Nathan Damigo, Matthew Heimbach, Identity Evropa, Jason Kessler, Elliot Kline, National Socialist Movement, Nationalist Front, Matthew Parrott, Jeff Schoep, Traditionalist Worker Party, Vanguard America, Robert Ray, Michael Hill, Michael Tubbs, the League of the South, James Fields, and Michael Peinovich (collectively, “Joining Defendants”).

2. On November 22, 2017, this Court entered an Order Granting Consent Motion (ECF 120) (the “Consent Order”) which, *inter alia*, provided for a uniform briefing schedule for any motions to dismiss the Complaint filed by Defendants.

3. On January 5, 2018, pursuant to Paragraph 2 of the Consent Order, Plaintiffs filed a First Amended Complaint (ECF 175) (the “First Amended Complaint”).

4. At the time of filing the First Amended Complaint, in addition to the Joining Defendants, Defendants Richard Spencer and the Loyal White Knights of the Ku Klux Klan had been served the Complaint (together with the Joining Defendants, the “Served Defendants”).<sup>1</sup>

5. Several Defendants had filed motions to dismiss the Complaint in accordance with Paragraph 1 of the Consent Order. After filing the First Amended Complaint, several Defendants indicated to Plaintiffs that they intended to file new motions to dismiss in response to the First Amended Complaint, while others indicated that they wished to rely on their previously filed motions to dismiss.

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<sup>1</sup> Neither the Loyal White Knights of the Ku Klux Klan nor Richard Spencer have properly appeared in the case. This Court ordered the Loyal White Knights of the Ku Klux Klan to “retain a licensed attorney and have that attorney note an appearance in this matter and file a responsive pleading” by January 17, 2018. (ECF 166.)

6. Accordingly, to provide a uniform briefing schedule for motions to dismiss the First Amended Complaint, Plaintiffs and Joining Defendants jointly propose the following briefing schedule, which is reflected in the enclosed Proposed Order Granting Consent Motion:

- a. Any motions to dismiss the First Amended Complaint from Served Defendants will be due January 26, 2018. If any Served Defendant wishes to rely on the briefing already filed in support of a motion to dismiss the Complaint, the Served Defendant may file a short motion to dismiss the First Amended Complaint incorporating the previously filed motion and memorandum of law.
- b. Plaintiffs' opposition to all Served Defendants' motions to dismiss filed prior to entry of this order, or filed up to and including January 26, 2018, will be due February 19, 2018, regardless of when a specific Served Defendant files or filed their motion to dismiss.
- c. Served Defendants' replies in support of any motions to dismiss will be due March 5, 2018.
- d. Paragraph 4 of the Order Granting Consent Motion (ECF 120) be vacated.

Dated: January 18, 2018

*/s/ Robert T. Cahill*

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*/s/ Michael E. Peinovich*

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### **CERTIFICATE OF SERVICE**

I hereby certify that on January 18, 2018, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

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I further hereby certify that on January 18, 2018, I also served the following non-ECF participant, via U.S. mail, First Class and postage prepaid, addressed as follows:

Loyal White Knights of the Ku Klux Klan (*pro se*)  
a/k/a Loyal White Knights Church of Invisible Empire Inc.  
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